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#11

In re Application of BRUUN et al
U.S. Application No.: 09/720,468
Int. Application No.: PCT/DK99/00339
Int. Filing Date: 18 June 1999
Priority Date: 23 June 1998
Attorney Docket No.: 0459-0527P
For: CONVEYOR SYSTEM WITH BUFFER
ARRANGEMENT

DECISION

This is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.182" filed 25 September 2001.¹

BACKGROUND

On 18 June 1999, applicants filed international application PCT/DK99/00339, which claimed priority of an earlier Denmark application filed 23 June 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 29 December 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 24 January 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 December 2000 (23 December 2000 was a Saturday preceding a Monday holiday).

On 22 December 2000, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 February 2001, applicants filed an executed declaration.

¹ It is noted that applicants have filed a "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)". Because the present application is not abandoned, the petition to revive will not be considered, and the accompanying \$1,240.00 petition fee will be refunded to Deposit Account No. 02-2448.

On 12 February 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 March 2001, the DO/EO/US mailed a new Notification of Missing Requirements along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917), which indicated that the name of the second inventor listed on the declaration filed 07 February 2001 does not match that listed on the international application.

On 23 April 2001, applicants filed a petition to change the inventor's name under 37 CFR 1.182.

On 09 July 2001, this Office mailed a decision dismissing the 23 April 2001 petition on grounds that the petition did not adequately demonstrate how the error arose and that the error occurred without any deceptive intent.

On 25 September 2001, applicants filed the present renewed petition. The renewed petition states that it is accompanied by the affidavit of inventor Brian Lyng Sorensen.

DISCUSSION

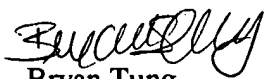
The second inventor's name is listed on the declaration as "Brian Lyng Sorensen", while the second inventor's name is listed on the international application as "Brian Lyng". Applicants have furnished an affidavit signed by inventor Brian Lyng Sorensen which states how the error occurred and which indicates that the error was inadvertent and made without deceptive intent.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date of 18 June 1999 and a date under 35 U.S.C. 371 of 07 February 2001.

The application will be forwarded to the DO/EO/US for processing in accordance with this decision.


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